



Kaw Nation

Drawer 50

Kaw City, OK 74641

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless)	
Facilities Siting Policies;)	
Mobilitie, LLC Petition for)	
Declaratory Ruling)	

COMMENTS OF: Kaw Nation

Kenny Wheeler
TCNS Administrator
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April 7, 2017

The Kaw Nation is located in North Central Oklahoma in Kaw City. The Kaw Nation works with a variety of federal agencies on small and large projects in the compliance of federal laws, including but not limited to the National Historic Preservation Act (NHPA) [and the Native American Graves Protection and Repatriation Act (NAGPRA) and any others – ARPA, NEPA]. Our tribe protects irreplaceable sites and locations that are of religious and cultural significance to our people today by continuing the successful collaborative processes that have been established with federal agencies, other Indian tribes, and project developers.

The Federal Communications Commission's Tower Construction Notification System (TCNS) system has proven to be a very useful tool to track, monitor, and expedite the placement of cellular technology infrastructure. Over the past 8 months, we have worked with and developed quality relationships with the many consultants installing telecommunication infrastructure facilities, including cell tower siting, through the TCNS Program. Our tribe provides prompt response to cell tower notifications. If and when any situations arise using the TCNS Program, tribes have been able to promptly contact industry consultants and/or FCC staff to expedite resolutions. With the emerging 5G technologies by the wireless telecommunications industry we can see the benefits of modernizing the existing TCNS system to meet our needs. Though technically not a local government for the purposes of this rulemaking, Indian tribes face many of the same challenges that have described in the Public Notice and which the telecommunications industry has mentioned as a concern to their interests.

FCC Question: What is a reasonable period of time?

Reply: 30 days from the date of delivery of all information needed to make an informed decision

FCC Question: What activities would lessen the amount of time needed?

Reply: Standardize initial submission of information, in particular use the FCC Forms 620 and 621

FCC Question: What is a small cell?

Reply: The 5G technology is changing the terms of discussion about deployment and at this point it may be easier to describe concerns about some attempts to describe a small cell in such factors as size, distance, power, and location – including such factors as ground disturbance, whether or not it's located in historic district. For example, is a small cell an attachment or is it a new 120-foot pole? What if the small cell is attached to an aging infrastructure pole or structure? What if the small cell deployment is proposed to cover 2 city blocks? All of these factors are different depending on whether the deployment is in an urban or rural location. Our tribe needs some real life models on the variety of



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small cells and how they would be deployed and how batching would work (batching is an effort to expedite the process). We would welcome the opportunity to serve in a capacity to discuss these important issues.

FCC Question: Should the clearance review of small cells be the same way as review of macrocells (including costs associated with review)?

Reply: We would like to learn more about the new technology and differences in deployment and are willing to work with industry to discuss a possible a fee structure that is acceptable to both parties.

FCC Question: Do you use batching now? If so, how is it working? Do you charge the same for a batch as for a tower?

Reply: Yes, we have received a few batching submissions but if the FCC is going to make batching a standard practice then the FCC needs to enforce the batching load. For example, one consultant asked that we review their "batch" of three deployments and upon further review it was discovered that the request was to review three new poles that were located more than one mile away from the other.

FCC Question: What are your fees based on?

Reply: Our fees are based on actual cost and a set aside for any additional work that might have to be done to reach a determination.

FCC Question: Do you demand payment upfront and why?

Reply: Yes, because it would take more time and effort for our accounting department to collect fees.

FCC Question: Are there any Tribal guidelines/ordinances on reviewing process? Do these have to be updated?

Reply: We do have guidelines/ordinances on reviewing process and they need to be updated to reflect the change in technology.

FCC Question: Would you like to have an individual agreement with a carrier or 3rd party consultant?

Reply: Yes, we already have these agreements in many cases. We also believe that it would work better if the FCC developed an umbrella payment schedule.

FCC Question: Do you support use of public ROWs for infrastructure facilities deployment?

Reply: Yes, This makes the review easier and has less risk associated. The only drawback is that many of these deployments are treated the same in the public ROWs even when there is no evidence of prior disturbance.

The Kaw Nation would like to see the FCC make a determination on all of these questions that would be mutually beneficial to both the Tribal Nations and the Carriers. We support new development and industry growth as long as it is done in a responsible manor. The Kaw Nation greatly values this program and will do anything necessary to preserve our right to protect our culture and heritage.



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Date